

# Exhibit A

[UNIQUE IDENTIFICATION CODE]

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE**

*A federal court authorized this Notice. This is not a solicitation from a lawyer.*

**WOMEN WHO REPORTED SEXUAL ASSAULT TO THE JOHNSON CITY POLICE DEPARTMENT IN JOHNSON CITY, TENNESSEE MAY BE ELIGIBLE FOR BENEFITS FROM A CLASS ACTION SETTLEMENT.**

- A Settlement has been reached with the City of Johnson City, Tennessee (“the City” or “Defendant”) in a class action lawsuit. Plaintiffs allege in the lawsuit that the City violated their constitutional right to equal protection under the law in connection with discriminatory practices by the Johnson City Police Department (“JCPD”) in response to their reports of sexual assault.
- The Settlement provides a \$4,200,000 fund for the benefit of all women (including minors) who reported sexual assault by any person to the JCPD **from January 1, 2018 through December 31, 2022**. Additionally, as part of the Settlement, JCPD will continue to use improved policies and procedures with regard to reports of sexual assault, and Class Counsel will monitor the implementation of these changes.
- The City denies all allegations of wrongdoing and liability.
- Your legal rights are affected whether or not you act. This Notice contains information about the Settlement and the lawsuit. Please read this entire Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS		
		<b><u>DUE DATE</u></b>
<b>VERIFY YOUR INFORMATION AND COLLECT A PAYMENT</b>	If you are a Class Member and you verify your information via the settlement website as described below, you will be paid an estimated \$7,000. You will give up the right to sue the Defendant about the claims in this case.	Month Day, 20__
<b>EXCLUDE YOURSELF</b>	You will not be included in the Settlement. You will receive no benefits and you will keep any rights you currently have to sue the Defendant about the claims in the case.	Month Day, 20__
<b>OBJECT</b>	If you do not exclude yourself and you disagree with the Settlement, you can write to the Court and object.	Month Day, 20__
<b>GO TO A HEARING</b>	Ask to speak in court about the fairness of the Settlement.	Month Day, 20__ at XX:XX a.m./p.m.

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court in charge of this case still must decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after any appeals are resolved.
- For updates visit [www.XXXXXXXXXXXXXX.com](http://www.XXXXXXXXXXXXXX.com).

**QUESTIONS? CALL 1-XXX-XXX-XXXX TOLL FREE OR VISIT [www.XXXXXXXXXXXXXX.com](http://www.XXXXXXXXXXXXXX.com)**  
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## BASIC INFORMATION

### 1. Why did I get this Notice?

If you are a woman who reported sexual assault by any person to the JCPD between January 1, 2018 through December 31, 2022, you have the right to know about a proposed Settlement of a class action lawsuit, and your options, before the Court decides whether to approve the Settlement.

This Notice is to inform you of the lawsuit, the proposed Settlement and your legal rights. The women who sued are called “plaintiffs.” The City they sued is called “defendant.”

### 2. What is this lawsuit about?

Plaintiffs allege that JCPD engaged in a pattern and practice of discriminatory conduct against women reporters of sex crimes that included declining to take certain investigative steps, intimidating and discouraging women in a manner that made them less likely to participate in the investigation and prosecution of the crimes against them, and closing cases prematurely and improperly. Plaintiffs allege that these practices amounted to a violation of Class Members’ civil rights.

Defendant denies Plaintiffs’ allegations. The Court has not decided who is right.

### 3. Why is this a class action?

In a class action, one or more plaintiffs called “class representatives” sue on behalf of themselves and other people with similar claims. This group of people is called the “class” and the people in the class are called “class members.” One court resolves the issues for all class members, except for those who exclude themselves from the class.

This lawsuit is *S.H. v. City of Johnson City, Tennessee*, No.2:23-cv-00071-TRM-JEM (E.D. Tenn.). The judge is the Honorable Travis R. McDonough of the United States District Court for the Eastern District of Tennessee.

S.H. is the Class Representative for this lawsuit, and she has been participating in the case since its inception. Class representatives are eligible for what is called a “service award” to acknowledge their efforts and the benefits they achieved for the class. Class Counsel will ask the Court to approve up to \$20,000 as a service award for S.H. Any amount the Court approves will be paid from the Settlement Fund.

QUESTIONS? CALL 1-XXX-XXX-XXXX TOLL FREE OR VISIT [WWW.XXXXXXXXXXXXX.COM](http://WWW.XXXXXXXXXXXXX.COM)

#### **4. Why is there a Settlement?**

The Court has not decided in favor of Plaintiffs or Defendant. Instead, both sides have agreed to a Settlement to avoid the costs and risks of trial and appeals. The Class Representative and her attorneys think the Settlement is best for the class.

### **WHO IS IN THE SETTLEMENT?**

#### **5. How do I know if I am part of the Settlement?**

You are a Class Member, and are included in the Settlement, if you are a woman who reported sexual assault by any person to the JCPD from January 1, 2018 to December 31, 2022. This includes those who were minors at the time of their report.

#### **6. What should I do if am not sure if I am included in the Settlement?**

If you are not sure whether you are in the class, you can ask for free help and more information by calling the Settlement Administrator at XXX-XXX-XXXX or sending an email to [info@URL.com]. More details about the class, the lawsuit, and the Settlement can be found in the Settlement Agreement and other documents available on the settlement website, www.XXXXXXXXXXXXXX.com.

### **BENEFITS OF THE SETTLEMENT — WHAT YOU GET**

#### **7. What does the Settlement provide?**

##### **Monetary Benefits**

Defendant will pay \$4,200,000 to settle the lawsuit. This amount will be used to pay Class Member claims. (See the answers to questions 8-10 below.) It will also be used to pay the costs of notifying Class Members and administering the Settlement, any Class Representative service award approved by the Court, and Court-approved attorney's fees and expenses of Class Counsel.

##### **Non-monetary Relief**

In addition to monetary benefits, the Settlement requires JCPD to utilize improved policies and procedures with regard to reports of sexual assault made to JCPD to ensure unbiased and non-discriminatory policing. For two years, at least fifteen (15) reports of sex crimes by women will be audited by JCPD's Office of Professional Standards, and those audits will be reviewed and evaluated by Class Counsel.

**QUESTIONS? CALL 1-XXX-XXX-XXXX TOLL FREE OR VISIT WWW.XXXXXXXXXXXXXX.COM**

## 8. How much will my payment from the Settlement be?

Every Settlement Class Member is eligible for an equal pro rata payment from the Settlement Fund. Settlement Fund means the Settlement Amount of \$4,200,000.00 reduced by payments or deductions as provided in the Settlement Agreement or by Court order, including attorney's fees and costs, a service award to the Class Representative, and the cost of settlement administration.

The payment amount to each Settlement Class Member will not be calculated until after the Court grants final approval and the Settlement becomes effective. Class Counsel estimate that the payment to each Settlement Class Member who verifies her information to the Settlement Administrator will be approximately \$7,000.

## HOW YOU GET A PAYMENT

### 9. How can I get a Settlement payment?

Each Class Member has been identified through JCPD's records and assigned a unique ID number by the Settlement Administrator. **The Settlement Administrator is required to keep your information confidential and will use it only for purposes of administering the Settlement.**

If you received this Notice and see a unique ID number and confirmation number in the top left corner of the first page of the Notice, you are an identified Class Member.

**IMPORTANT: Please confirm your contact information and select a form of payment on the settlement website at: [www.XXXXXXXXXXX.com](http://www.XXXXXXXXXXX.com).**

Additionally, a valid Social Security Number ("SSN") may be provided on the settlement website. **Payments from this Settlement are reportable to the IRS on a Form 1099-MISC.** Backup withholding is required for payments issued without a valid SSN on file. **Payments without a valid SSN on file will have 24% of the total amount withheld for tax payments to the IRS resulting in a reduction of the payment amount.** Providing your SSN is optional.

### 10. When would I get my payment(s) from the Settlement?

Payments will not be made until the Court grants final approval of the Settlement and any objections or appeals are resolved in favor of the Settlement. Updates will be provided on the settlement website, [www.XXXXXXXXXXX.com](http://www.XXXXXXXXXXX.com), and can also be obtained by contacting the Settlement Administrator by email at [info@URL.com] or by phone toll-free at 1-XXX-XXX-XXXX. Please be patient. Please do not contact the Court directly.

## 11. What am I giving up to get payment(s) and stay in the Settlement?

In exchange for receiving payment and benefits from the Settlement, you will give up your right to sue the Defendant on your own for the claims described in the Settlement Agreement. You will also be bound by any decisions of the Court relating to the Settlement. If you do not wish to give up your right to sue the Defendant, you must exclude yourself from (opt out of) the Settlement.

In return for paying the Settlement Amount and providing non-monetary benefits, the Defendant will be released from any and all claims or causes of action that were or could have been asserted based on the facts alleged in the Third Amended Complaint. The Settlement Agreement describes the released claims in further detail in section 6.2. Please read that agreement carefully since those releases will be binding on you as a Class Member if the Court grants final approval of the Settlement. If you have any questions, you can talk with Class Counsel free of charge or you may talk with your own lawyer (at your own expense). The Settlement Agreement is available at [www.XXXXXXXXXXX.com](http://www.XXXXXXXXXXX.com).

## EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want a payment from the Settlement, but you want to keep the right to sue the Defendant, then you must take steps to get out of the Settlement Class. This is called asking to be excluded from or "opting out" of the Settlement Class.

## 12. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a letter to the Settlement Administrator stating that you wish to be excluded. Your exclusion request must include:

- Your full name, address, and telephone number;
- The following statement:

I want to be excluded from *S.H. v. City of Johnson City, Tennessee*, No. 2:23-cv-00071-TRM-JEM (E.D. Tenn.), and understand that by excluding myself, I will not be able to get any money or benefits from the Settlement.

- Your signature.

You must mail your written exclusion request, **postmarked no later than Month Day, 20\_\_** [60 days from Notice mailing] to:

JCPD Settlement  
c/o \_\_\_\_\_  
P.O. Box XXXXXX  
XXXXX

QUESTIONS? CALL 1-XXX-XXX-XXXX TOLL FREE OR VISIT [WWW.XXXXXXXXXXX.COM](http://WWW.XXXXXXXXXXX.COM)

**13. If I don't exclude myself, can I sue the Defendant for the same thing later?**

No. Unless you exclude yourself from the Settlement, you give up any right to sue the Defendant for the claims being released in *S.H. v. City of Johnson City, Tennessee*, No. 2:23-cv-00071-TRM-JEM (E.D. Tenn.). If you have a pending lawsuit involving the City of Johnson City, or plan to file one, speak to your lawyer as soon as possible; you may need to exclude yourself from this Settlement to continue your own lawsuit.

**14. If I exclude myself, can I get money from the Settlement?**

No. If you exclude yourself from the Settlement, you will not receive payment(s) from the Settlement, but you will keep your legal rights to sue the Defendant.

**THE LAWYERS REPRESENTING YOU**

**15. Do I have a lawyer in this case?**

The Court has appointed the following lawyers, known as Class Counsel, to represent the Class Members in connection with the Settlement:

Vanessa Baehr-Jones ADVOCATES FOR SURVIVORS OF ABUSE PC 4200 Park Boulevard No. 413 Oakland, CA 94602 Phone: 510-500-9634 Email: <a href="mailto:vanessa@advocatesforsurvivors.com">vanessa@advocatesforsurvivors.com</a>	Elizabeth A. Kramer ERICKSON KRAMER OSBORNE LLP 44 Tehama Street San Francisco, CA 94105 Phone: 415-635-0631 Email: <a href="mailto:elizabeth@eko.law">elizabeth@eko.law</a>
Heather Moore Collins Ashley Shoemaker Walter HMC Civil Rights Law, PLLC 7000 Executive Center Dr., Suite 320 Brentwood, TN 37027 Phone: 615-724-1996 Email: <a href="mailto:heather@hmccivilrights.com">heather@hmccivilrights.com</a> <a href="mailto:ashley@hmccivilrights.com">ashley@hmccivilrights.com</a>	

You will not be charged for contacting these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

**QUESTIONS? CALL 1-XXX-XXX-XXXX TOLL FREE OR VISIT [WWW.XXXXXXXXXXX.COM](http://WWW.XXXXXXXXXXX.COM)**



## 16. How will the lawyers be paid?

Class Counsel will ask the Court for payment of attorneys' fees and expenses up to \$1,420,000 to compensate them for their legal services and for actual costs. Any payment to the attorneys will be subject to Court approval, and the Court may award less than the amount requested. Any attorneys' fees and expenses that the Court approves will be paid out of the Settlement Amount.

Class Counsel will file a motion for attorney's fees and expenses at the same time they file the motion for final approval of the Settlement. When Class Counsel's motion for attorneys' fees and expenses is filed, it will be posted at [www.XXXXXXXXXXX.com](http://www.XXXXXXXXXXX.com). You have the right to comment in support of or in opposition (object) to the fee request, in the time and manner set forth on the settlement website.

## OBJECTING TO THE SETTLEMENT

### 17. How do I tell the Court that I don't like the Settlement?

If you are a Settlement Class Member and you have objections to any aspect of the Settlement, you may express your views to the Court. You can object to the Settlement only if you do not exclude yourself from the Settlement Class.

You can ask the Court to deny approval by filing an objection. You cannot ask the Court to order a larger settlement—the Court can only approve or deny approval of the Settlement the parties have reached. If the Court denies approval of the Settlement, no payments from the Settlement Fund will be made and the litigation will continue.

If you wish to object to the Settlement, you must do so in writing. You may also appear at the final approval hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney. All written objections and supporting papers must: (a) list your name, address, and telephone number; (b) clearly identify the case name and number (*S.H. v. City of Johnson City, Tennessee*, No. 2:23-cv-00071-TRM-JEM (E.D. Tenn.)); (c) state with specificity the grounds for the objection; (d) state whether the objecting Class Member intends to personally appear at the final approval hearing; (e) include the name and contact information of any attorneys representing, advising, or assisting the objecting Class Member; (f) state whether any attorney will appear on the objecting Class Member's behalf at the final approval hearing, and if so, the identity of that attorney; (g) be submitted to the Court by mail to the Clerk, United States District Court for the Eastern District of Tennessee, 220 West Depot Street, Suite 200, Greeneville, Tennessee 37743, or by filing in person at any location of the United States District Court for the Eastern District of Tennessee; and (h) be **postmarked on or before Month Day, 20\_\_** [60 days from Notice mailing].

You can also submit a statement in support of the Settlement by writing to the Court at the address above.

QUESTIONS? CALL 1-XXX-XXX-XXXX TOLL FREE OR VISIT [WWW.XXXXXXXXXXX.COM](http://WWW.XXXXXXXXXXX.COM)

## **18. What's the difference between objecting and excluding?**

By excluding yourself from the Settlement, you are telling the Court that you do not want to participate in the Settlement. For that reason, you will not be eligible to receive any benefits from the Settlement and you will not be able to object to it, as it will no longer apply to you or bind you. You will not release any potential claims.

By objecting to the Settlement, you are telling the Court that you want to participate in the Settlement, but that there is something about it you do not like. If you object, you are still eligible to receive payment (s) from the Settlement.

## **THE COURT'S FAIRNESS HEARING**

The Court will hold a fairness hearing to decide whether to approve the Settlement. You may attend the hearing, and you may ask to speak, but you are not required to do so.

## **19. When and where will the Court decide whether to approve the Settlement?**

The Court will hold its final approval hearing on Month Day, \_\_\_\_ at XX:XX a.m. at the United States District Court, Eastern District of Tennessee, \_\_\_\_\_.

The hearing may be moved to a different date or time without additional direct notice to you. You can check the Court's PACER site, <https://ecf.tned.uscourts.gov/cgi-bin/ShowIndex.pl>, check the settlement website, [www.XXXXXXXXXXX.com](http://www.XXXXXXXXXXX.com), or call (1-XXX-XXX-XXXX) or email the Settlement Administrator ([info@URL.com](mailto:info@URL.com)) to confirm the date of the hearing.

At the fairness hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. If there are objections or comments, the Court will consider them at that time and may listen to people who have asked to speak at the hearing. The Court will decide whether to approve the Settlement at or after the hearing.

## **20. Do I have to come to the Fairness Hearing?**

No. Class Counsel will answer any questions the Court may have at the fairness hearing, but you may attend at your own expense. If you send an objection or comment in support of the Settlement you do not have to come to the hearing to talk about it. As long as you filed or mailed your written objection on time, the Court will consider it. You may also hire your own lawyer at your own expense to attend the hearing on your behalf, but you are not required to do so.

**QUESTIONS? CALL 1-XXX-XXX-XXXX TOLL FREE OR VISIT [WWW.XXXXXXXXXXX.COM](http://WWW.XXXXXXXXXXX.COM)**

## **21. May I speak at the Fairness Hearing?**

If you send an objection or comment on the Settlement, you may be able to speak at the fairness hearing, subject to the Court's discretion. You cannot speak at the fairness hearing if you exclude yourself from the Settlement.

## **IF YOU DO NOTHING**

## **22. What happens if I do nothing at all?**

If you do nothing and the Settlement is finally approved, you will receive a payment in the form of a check mailed to the address at which you received this Notice and you will be bound by the Court's final judgment and the release of claims detailed in the Settlement Agreement. If you wish to receive payment in a different form, need to update your contact information, or wish to provide your SSN, you must do so by [date 120 days after notice date] by visiting the settlement website: [www.XXXXXXXX.com](http://www.XXXXXXXX.com).

## **GETTING MORE INFORMATION**

## **23. How do I get more information?**

This Notice summarizes the Settlement and your rights and options. More details are contained in the Settlement Agreement. You can get copies of the Settlement Agreement and more information on the settlement website, [www.XXXXXXXXXXXXXX.com](http://www.XXXXXXXXXXXXXX.com). You also may also contact the Settlement Administrator by email at [info@URL.com], by phone toll-free at 1-XXX-XXX-XXXX, or by mail at JCPD Settlement, c/o \_\_\_\_\_, P.O. Box XXXXXX, XXXXX.

For a more detailed statement of the matters involved in the litigation and the Settlement, you may review the various documents on the settlement website, [www.XXXXXXXXXXXXXX.com](http://www.XXXXXXXXXXXXXX.com), and/or by visiting (during business hours) the clerk's office at the United States District Court for the Eastern District of Tennessee, 220 West Depot Street, Suite 200, Greeneville, Tennessee 37743, File: *S.H. v. City of Johnson City, Tennessee*, No. 2:23-cv-00071-TRM-JEM, or by accessing the docket in this case through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.tned.uscourts.gov/cgi-bin/ShowIndex.pl>.

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THE SETTLEMENT OR THE CLAIM PROCESS.**

Dated: Month Day, Year

By Order of the Court  
United States District Court  
Eastern District of Tennessee

**QUESTIONS? CALL 1-XXX-XXX-XXXX TOLL FREE OR VISIT [WWW.XXXXXXXXXXXXXX.COM](http://WWW.XXXXXXXXXXXXXX.COM)**